12405

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 196.

WILLIAM L. LEDBETTER, PLAINTIFF IN ERROR,

vs.

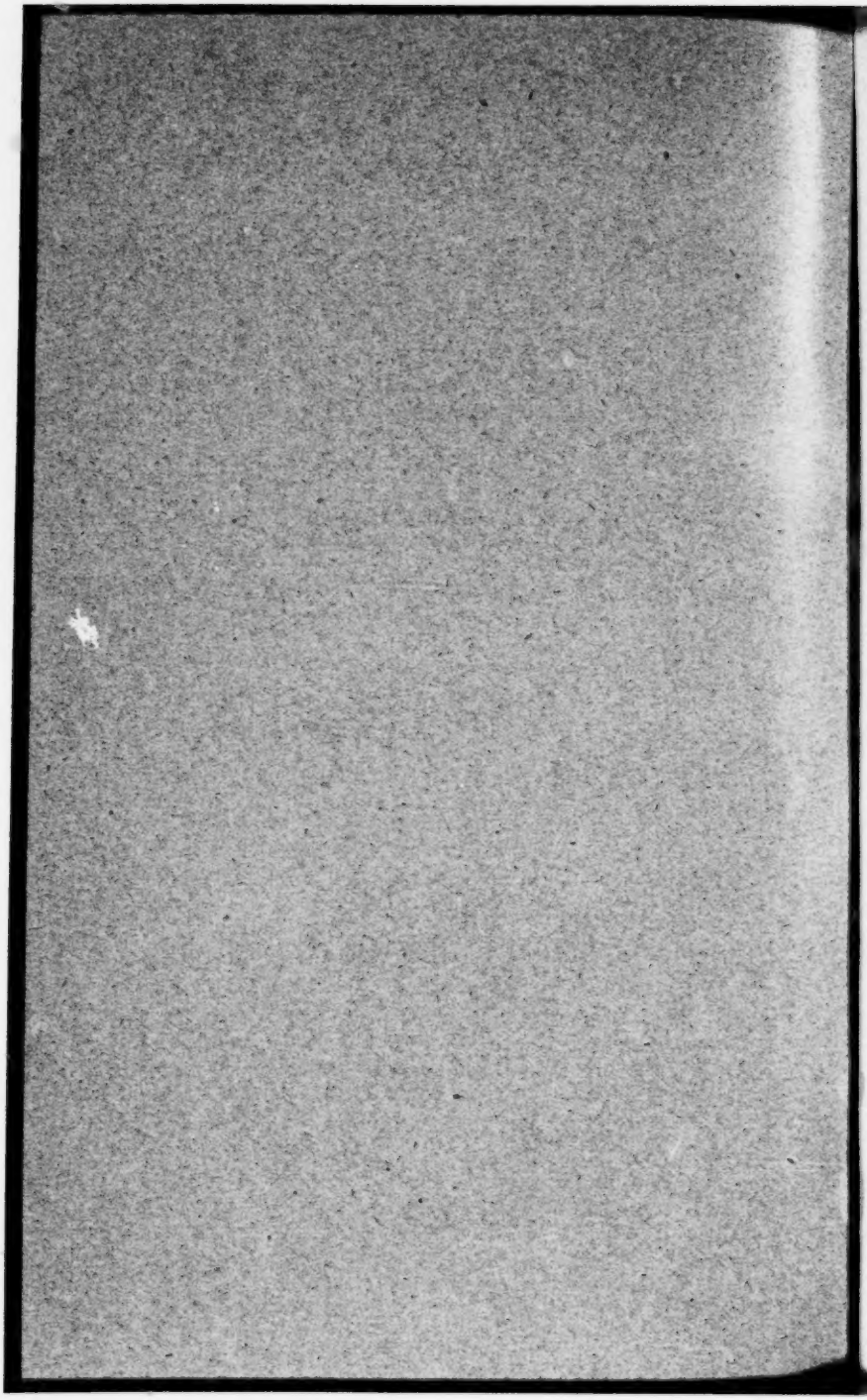
THE UNITED STATES.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF IOWA.

FILED JULY 13, 1896.

(16,334.)

65
15
3-6



BLEED. T

12400

(16,334.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 196.

WILLIAM L. LEDBETTER, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

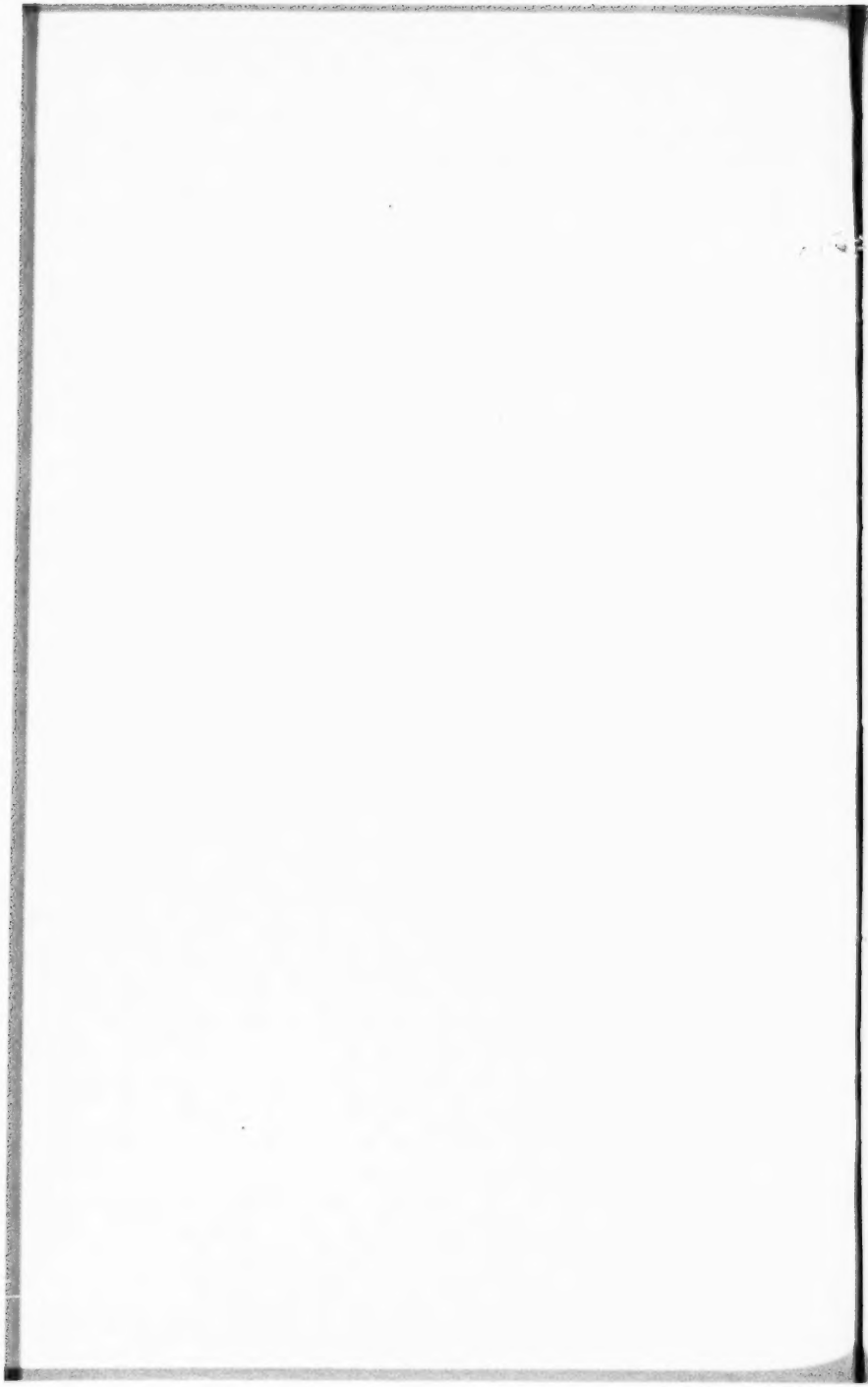
IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF IOWA.

INDEX.

	Original.	Print.
Writ of error (copy)	1	1
Clerk's certificate and return	2	1
Caption	3	2
Indictment	4	2
Arraignment and plea	6	3
Order beginning trial	6	3
Order concluding trial	7	4
Verdict	8	4
Motion in arrest of judgment	8	5
Amendment to motion in arrest of judgment	10	5
Order overruling motion in arrest of judgment	11	6
Judgment and sentence	11	6
Order fixing amount of supersedeas bond and granting time to prepare bill of exceptions	12	7
Bill of exceptions	13	7
Indictment	13	7
Verdict	15	8
Motion in arrest of judgment	15	8
Amendment to motion in arrest of judgment	17	9
Judgment and sentence	18	10
Judge's certificate to bill of exceptions	18	10
Clerk's certificate	19	10
Petition for writ of error	20	11
Assignment of errors	21	11
Supersedeas bond	24	13
Citation and service	27	14

JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C., AUGUST 28, 1897.

THROUGH POOR COPY



BLEED. T

1 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the honorable the judge of the district court of the United States for the southern district of Iowa, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said district court, before you, in a cause entitled United States, by indictment, against William L. Ledbetter, defendant, No. 4134, a manifest error is alleged to have happened, to the great damage of the said defendant, as by his complaint appears, we, being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, D. C., on the 15th day of July, 1896, in said Supreme Court, that, the records and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done herein to correct that error what of right and according to the laws and custom of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the 20th June, in the year of our Lord one thousand eight hundred and ninety-six.

(Signed) J. J. STEADMAN,
Clerk of the District Court of the United States for the Southern District of Iowa,
[SEAL OF D. C.] By CHAS. J. SMITH, *Deputy.*

Allowed by—

JNO. S. WOOLSON,
U. S. District Judge.

Endorsed: Filed Jul- 6, 1896. J. J. Steadman, clerk, by Chas. J. Smith, deputy.

2 In the District Court of the United States in and for the Southern District of Iowa, *ss:*

And now here the judge of the district court of the United States in and for the southern district of Iowa makes return of this writ by annexing hereto and sending herewith under the seal of the said district court a true and attested copy of the record and proceedings in the suit within mentioned, with all things concerning the same, to the Supreme Court of the United States, as therein commanded.

In testimony whereof I, J. J. Steadman, clerk of the district court of the United States in and for the southern district of Iowa,

THROUGH POOR COPY

have hereunto set my hand and seal of said court this 6th day of July, 1896.

[Seal of District Court of the U. S., Southern District of Iowa, Keokuk.]

J. J. STEADMAN, *Clerk*,
By CHAS. J. SMITH, *Deputy*.

3 District Court of the United States in and for the Southern District of Iowa.

UNITED STATES, by Indictment,
vs.
WILLIAM L. LEDBETTER.

Transcript of Record.

UNITED STATES OF AMERICA,
Southern District of Iowa, } *ss:*

At a district court of the United States begun and holden at Keokuk, within and for the southern district of Iowa, on the second Tuesday of April (being the 14th day of said month), in the year of our Lord one thousand eight hundred and ninety-six, before the Honorable Jno. S. Woolson, judge, the following, among other, proceedings were had, to wit:

TUESDAY MORNING, *April 28th*—9 o'clock a. m.

Court met pursuant to adjournment.

UNITED STATES
vs.
WILLIAM L. LEDBETTER. } 4134.

Indictment for carrying on the business of a retail liquor dealer without hav- paid the special tax therefor, as required by law.

This day came the grand jury for the term, heretofore duly empaneled and sworn, to wit, Ed. Campbell, foreman; S. S. Fowler, Cortez Maxwell, J. E. Jennings, Frank Le Bron, William
4 Stihr, Sam. C. Wescott, H. M. Johnson, David A. Burrows, William Chidester, R. M. Hicks, John Fullen, John Putker, George Van Beek, Joseph Workman, A. N. Alberson, Jno. C. Bowman, William Bray, J. W. Jacobs, R. M. Hamilton, and by their foreman, in open court, returned an indictment against William L. Ledbetter for carrying on the business of a retail liquor dealer without having paid the special tax therefor, as required by law; which said indictment was duly filed by the clerk and placed among the other papers in the case.

In the District Court of the United States in and for the Southern District of Iowa, April Term, A. D. 1896.

The grand jurors of the United States of America duly empaneled, sworn, and charged to inquire in and for the body of said southern

BLEED. TH

district of Iowa, at a term of the United States district court begun and held at Keokuk, in said district, on the 14th day of April, A. D. 1896, in the name and by the authority of the United States of America, upon their oaths do find and present that Lewis Ledbetter, late of said district, heretofore, to wit, on the — day of April, A. D. 1896, in the county of Appanoose, in the southern district of Iowa, and within the jurisdiction of this court, did then and there wilfully, unlawfully, and feloniously carry on the business of a retail liquor dealer without having paid the special tax therefor, as required by law, contrary to the statute in such case made and provided and against the peace and dignity of the United States of America.

5 Second count. And the grand jurors aforesaid upon their oaths aforesaid do further find and present that the said Lewis Ledbetter, late of said district, heretofore, to wit, on the — day of April, A. D. 1896, in the county of Appanoose, in the southern district of Iowa, and within the jurisdiction of this court, did then and there wilfully, unlawfully, and feloniously carry on the business of a retail dealer in malt liquors without having paid the special tax therefor, as required by law, contrary to the statute in such case made and provided and against the peace and dignity of the United States of America.

(Signed) CHAS. D. FULLEN,
United States Attorney.
H. M. EICHER,
Assistant U. S. Attorney.

No. 4134.
A true bill.
(Signed) EDW. CAMPBELL, JR., *Foreman.*

Presented in open court by the foreman of the grand jury, in the presence of said grand jury, and filed by me in their presence this 28th day of April, A. D. 1896.
(Signed) J. J. STEADMAN,
U. S. Clerk.

6 This indictment was found at the present term of court and was returned by the grand jury and filed in court on the 28th day of April, 1896. Thereafter, on the 30th day of April, 1896, the said defendant was called to the bar and the following proceedings were had, to wit:

THURSDAY MORNING, *April* 30—nine o'clock a. m.

Court met pursuant to adjournment.

UNITED STATES *vs.* WILLIAM L. LEDBETTER.	4134.	R. L. D. Arraignment. Plea.

This day this cause coming on to be heard, plaintiff appearing by Chas. D. Fullen, U. S. district attorney, and defendant, William L. Ledbetter, appearing in person and by H. C. Reiner and W. F.

THROUGH POOR COPY

Garret, his attorneys, and, being now arraigned and the indictment read to him, answers that his true name is William L. Ledbetter, and for plea in open court enters his plea of not guilty.

Thereupon, on the 1st day of May, 1896, the following, among other, proceedings were had, to wit:

FRIDAY MORNING, *May* 1—9 o'clock a. m.

Court met pursuant to adjournment.

UNITED STATES
vs.
WILLIAM L. LEDBETTER. } 4134. R. L. D.

This day this cause coming on to be heard on the plea of
7 not guilty heretofore entered in this cause, plaintiff appearing by Chas. D. Fullen, U. S. district attorney, and defendant, William L. Ledbetter, appearing in person and by H. C. Reiner and W. F. Garrett, his attorneys, and this cause now coming on for trial, there came a jury of twelve good and lawful men, who were duly empaneled and sworn and whose names are as follows, to wit: E. D. Young, foreman; M. F. Burket, G. K. Dunn, Geo. Smith, F. W. Grubb, C. Scott, R. B. Vermilya, Al. Davison, Geo. Haessig, H. M. Bowman, H. Brinck, J. B. Eyestone; and thereupon the parties began the taking of testimony and continued so to do until the hour of adjournment.

Thereupon, on the 2d day of May, 1896, the following, among other, proceedings were had, to wit:

SATURDAY MORNING, NINE O'CLOCK A. M., *May* 2, 1896.

Court met pursuant to adjournment.

UNITED STATES
vs.
WILLIAM L. LEDBETTER. } 4134. R. L. D. Marshal Ordered to Furnish Meals to Jury while Deliberating. Verdict.

This day came the parties, attorneys and jury heretofore empaneled, and the trial being resumed and the evidence being now all in and the arguments of counsel *pro* and *con.*, the court now instructs the jury, and the jury retire to consider of their verdict, and the marshal of this district is hereby ordered to furnish meals, at the expense of the Government, to this jury in this cause while de-
liberating, and the jury, having deliberated, does now return
8 into open court their verdict in the following words, to wit:

"We, the jury, find the defendant above named guilty as charged in the indictment in count one.

(Signed) E. D. YOUNG, *Foreman.*"

Thereupon, on the 4th day of May, 1896, the defendant filed a motion in arrest of judgment, which is in the words and figures following, to wit:

BLEED.

In the District Court of the United States in and for the Southern District of Iowa, Eastern Division, April Term, 1896.

UNITED STATES OF AMERICA
vs.
L. W. LEDBETTER. } Motion.

Now comes the defendant above, by his attorneys, and moves the court for arrest of judgment, for the reason that the indictment under which defendant was tried was defective, in that it stated merely conclusions of law; that the charges therein were stated in such general terms that it was impossible for the defendant to learn the particulars which constituted the crime charged; that the defendant, following a customary practise in similar cases, made a request for the particulars of such charges of the U. S. district attorney and was refused; that by reason of such insufficient indictment and the refusal of the prosecution to furnish bill of particulars the defendant was unable to make preparation to meet the evidence of the prosecution; whereas if said indictment had been sufficient and said bill of particulars had been furnished he would have been able to meet and controvert the material evidence submitted by the prosecution.

(Signed) W. F. GARRETT,
H. C. REINER,
Att'ys for Defendant.

STATE OF IOWA, }
County of Lee, } *ss:*

I, H. C. Reiner, being on oath, say that I am the H. C. Reiner above named; that I am familiar with the statements made in the foregoing motion, and same are true, as I verily believe.

(Signed) H. C. REINER.

Subscribed and sworn to before me this 4th day of May, 1896.

(Signed) WILLIAM J. SCHLOTTER,
Notary Public.

Endorsed: Filed May 4, 1896. J. J. Steadman, clerk. Chas. J. Smith, deputy.

And thereafter, on the 7th day of May, 1896, leave of court being first had and obtained, defendant filed an amendment to said motion in arrest, which amendment is in the words and figures following, to wit:

10 In the District Court of the United States in and for the Southern District of Iowa, Eastern Division, April Term, 1896.

THE UNITED STATES
vs.
L. W. LEDBETTER. } Amendment to Motion in Arrest of Judgment.

And now comes the defendant and moves the court to arrest judgment on each and every count in the indictment herein upon

THROUGH POOR COPY

which the defendant was convicted, because the facts therein stated do not constitute an offense against the laws and statutes of the United States.

W. F. GARRETT,
H. C. REINER,
W. C. HOWELL,
Att'ys for Defendant.

Endorsed: Filed May 7, 1896. J. J. Steadman, clerk. Chas. J. Smith, deputy.

11 The court, having heard the argument on the motion in arrest of judgment and having considered same, overruled said motion; which order is in words and figures as follows, to wit:

THURSDAY MORNING, *May* 7, 9 o'clock a. m., 1896.

Court met pursuant to adjournment.

UNITED STATES *vs.* WILLIAM L. LEDBETTER.	4134. R. L. D. Motion in Arrest of Judgment Overruled. Judgment and Sentence.

This day came the plaintiff, by Charles D. Fullen, U. S. district attorney, and defendant, William L. Ledbetter, appearing in person and by W. F. Garrett, H. C. Reiner, and William C. Howell, his attorneys, and, the cause now coming on for hearing on defendant's motion in arrest of judgment, the court, having heard the arguments of counsel and being advised in the premises, doth overrule said motion in arrest of judgment; to which ruling of the court defendant at the time excepted.

Thereupon the court proceeded to render judgment in this cause, which is in the words and figures as follows, to wit:

And thereupon, the cause coming on for judgment and sentence upon the verdict of guilty heretofore rendered, the court, being fully advised in the premises, doth order, adjudge, and consider that defendant, William L. Ledbetter, pay to the United States of America the sum of two hundred and fifty dollars as a fine and the costs of prosecution, taxed at $—.

12 And it is by the court further ordered and adjudged that defendant, William L. Ledbetter, be imprisoned in the jail of Lee county, Iowa, at Keokuk, for a period of thirty days.

It is by the court further ordered and directed that upon the payment of fine and costs no mittimus shall issue unless ordered by the court.

Thereupon, on the 8th day of May, the following, among other, proceedings were had, to wit:

BLEED. T

FRIDAY MORNING, *May* 8, *A. D.* 1896—9 o'clock a. m.

Court met pursuant to adjournment.

UNITED STATES
vs.
WILLIAM L. LEDBETTER. } 4134. R. L. D. Order Fixing Amount of Supersedeas Bond.

This day this cause coming on to be heard on plaintiff's application to the court to fix the amount of a supersedeas bond, and the court, having considered said motion and being advised in the premises, doth fix the amount of the supersedeas bond in this case at the sum of one thousand dollars, and defendant is granted sixty days in which to prepare, have signed, and file bill of exceptions.

Thereafter, on the 6th day of July, 1896, defendant filed his bill of exceptions, which was allowed by the court, in the clerk's office; which said bill of exceptions is in the words and figures following, to wit:

13 In the United States District Court, Southern District of Iowa.

UNITED STATES
vs.
WILLIAM L. LEDBETTER. } Bill of Exceptions.

Be it remembered that upon the 28th day of April, 1896, the grand jury of the United States in and for the southern district of Iowa returned into court an indictment against Lewis W. Ledbetter, duly endorsed by the foreman of said grand jury as a true bill; which indictment is in the words and figures as follows, to wit:

In the District Court of the United States in and for the Southern District of Iowa, April Term, 1896.

The grand jurors of the United States of America duly empaneled, sworn, and charged to inquire in and for the body of said southern district of Iowa, at a term of the United States district court begun and held at Keokuk, in said district, on the 14th day of April, A. D. 1896, in the name and by the authority of the United States of America, upon their oaths do find and present that Lewis Ledbetter, late of said district, heretofore, to wit, on the — day of April, A. D. 1896, in the county of Appanoose, in the southern district of Iowa, and within the jurisdiction of this court, did then and there wilfully, unlawfully, and feloniously carry on the business of a retail liquor dealer without having paid the special tax therefor, as required by law, contrary to the statute in such case made and provided and against the peace and dignity of the United States of America.

Second count. And the grand jurors aforesaid upon their oaths aforesaid do further find and present that the said Lewis
14 Ledbetter, late of said district, heretofore, to wit, on the — day of April, A. D. 1896, in the county of Appanoose, in the

THROUGH POOR COPY

southern district of Iowa, and within the jurisdiction of this court, did then and there wilfully, unlawfully, and feloniously carry on the business of a retail dealer in malt liquors without having paid the special tax therefor, as required by law, contrary to the statute in such case made and provided and against the peace and dignity of the United States of America.

(Signed) CHAS. D. FULLEN,
United States Attorney.
H. M. EICHER,
Ass't United States Attorney.

No. 4134.
A true bill.
(Signed) EDW. CAMPBELL, *Foreman.*

Presented in open court by the foreman of the grand jury in the presence of said grand jury and filed by me in their presence this 28th day of April, A. D. 1896.

(Signed) J. J. STEADMAN, *U. S. Clerk,*
By —— ——, *Deputy.*

The said defendant, on the 30th day of April, 1896, having been called to the bar to plea and said indictment having been read to him, said his name was William L. Ledbetter, and thereupon entered a plea of "not guilty."

On the 1st day of May, 1896, the defendant was duly put on trial before a jury, and thereupon testimony was offered on behalf of the Government to sustain the charges of said indictment.

The Government having rested, the defendant thereupon introduced testimony.

15 And the defendant having rested the Government thereupon introduced in rebuttal testimony.

And the case having been fully submitted and the jury instructed, the jury, on the 2d day of May, 1896, returned the following verdict, to wit:

"We, the jury, find the defendant above named guilty as charged in the indictment in count one."

The defendant was present in open court during all of the proceedings had therein.

And thereupon, on the 7th day of May, 1896, the defendant filed a motion in arrest of judgment, which is in words and figures as follows, to wit:

In the District Court of the United States in and for the Southern District of Iowa, Eastern Division, April Term, 1896.

UNITED STATES }
vs. } Motion.
W. L. LEDBETTER. }

Now comes the defendant above, by his attorneys, and moves the court for arrest of judgment for the reason that the indictment

under which the defendant was tried was defective, in that it states merely conclusions of law; that the charges therein were stated in such general terms that it was impossible for the defendant to learn the particulars which constituted the crime charged; that the
16 defendant, following a customary practice in similar cases, made a request for the particulars of such charges of the U. S. district attorney and was refused; that, by reason of such insufficient indictment and the refusal of the prosecution to furnish bill of particulars, the defendant was unable to make preparation to meet the evidence of the prosecution, whereas if said indictment had been sufficient and said bill of particulars had been furnished he would have been able to meet and controvert the material evidence submitted by the prosecution.

(Signed) W. F. GARRETT,
H. C. REINER,
Att'ys for Defendant.

STATE OF IOWA, }
County of Lee. }

I, H. C. Reiner, being on oath, say that I am the H. C. Reiner above named; that I am familiar with the statements made in the foregoing motion and same are true, as I verily believe.

(Signed) H. C. REINER.

Subscribed and sworn to before me this 4th day of May, 1896.

(Signed) WILLIAM J. SCHLOTTER,
Notary Public.

Endorsed: Filed May 4, 1896. J. J. Steadman, clerk. Chas. J. Smith, deputy.

17 Thereafter, on the 7th day of May, 1896, by leave of court first had and obtained, the defendant filed an amendment to his motion in arrest of judgment, which is in words and figures as follows, to wit:

In the District Court of the United States in and for the Southern District of Iowa, Eastern Division, April Term, 1896.

THE UNITED STATES } Amendment to Motion in Arrest of Judgment.
vs.
W. L. LEDBETTER. }

And now comes the defendant and moves the court to arrest judgment on each and every count in the indictment herein upon which the defendant was convicted, because the facts therein stated do not constitute an offense against the laws and statutes of the United States.

(Signed) W. F. GARRETT,
H. C. REINER,
W. C. HOWELL,
Att'ys for Defendant.

THROUGH POOR COPY

Endorsed: Filed May 7, 1896. J. J. Steadman, clerk. Chas. J. Smith, deputy.

18 And thereafter, said motion having been submitted to the court, the court overruled the same; to which ruling at the time defendant duly excepted, and the exception was duly allowed by the court; and thereupon, on the same day, the court proceeded, in the presence of the defendant in person, to pronounce judgment, which is in words and figures as follows, to wit:

It is ordered, adjudged, and considered that the defendant pay to the United States of America the sum of two hundred fifty dollars ($250.00) as a fine and costs of prosecution, taxed at $—; and it is further ordered and adjudged that the defendant be imprisoned in the jail of Lee county, Iowa, at Keokuk, for a period of thirty days and stand committed until said fine and costs are paid; and it is by the court further ordered and directed that upon payment by the said William L. Ledbetter of the said fine and costs the sentence of imprisonment be suspended.

To which order and judgment the defendant at the time duly excepted, and which exception was duly allowed by the court.

On the 8th day of May, 1896, the court made an order fixing the bond for a writ of error at the sum of $1,000.00, and ordered that defendant have sixty days from that date to prepare, have signed, and file a bill of exceptions.

Now, then, this bill of exceptions having been presented to the Honorable Jno. S. Woolson, judge of the United States court for the southern district of Iowa, said bill of exceptions is hereby allowed and signed this 20th day of June, 1896.

(Signed) JNO. S. WOOLSON,
U. S. District Judge.

Endorsed: Filed July 6, 1896. J. J. Steadman, clerk, by Chas. J. Smith, deputy.

19 I, J. J. Steadman, clerk of the district court of the United States in and for the southern district of Iowa, hereby certify that the foregoing is a true copy of the record in the case of The United States *vs.* William L. Ledbetter, No. 4134 on the docket of said court.

I further certify that hereto annexed are true copies of petition for writ of error and the assignment of errors, a true copy of the bond on writ of error, with the approval thereof, and also the original citation, with the officer's return of service thereon.

In testimony whereof I hereunto set my hand and affix the seal of said district court in said district this 6th day of July, 1896.

{ Seal of District Court of the U. S., Southern District of Iowa, Keokuk. }

J. J. STEADMAN, *Clerk.*
By CHAS. J. SMITH, *Deputy.*

BLEED. T

20 UNITED STATES OF AMERICA, *ss:*

UNITED STATES
vs.
WILLIAM L. LEDBETTER.

Petition for a Writ of Error.

To the honorable the justices of the Supreme Court of the United States or the judge of the district court of the United States for the southern district of Iowa:

And now comes the defendant, William L. Ledbetter, and complains that in the records and proceedings and also in the rendition of judgment in the plea between the United States and himself, defendant, tried in the district court of the United States for the southern district of Iowa at the April term, 1896, in which judgment was rendered against him on the 7th day of May, 1896, manifest error hath intervened, to the great damage of said defendant; wherefore he prays for an allowance of a writ of error and such further processes as may cause the same to be corrected by the Supreme Court of the United States.

(Signed) W. F. GARRETT,
H. L. REINER,
WILLIAM C. HOWELL,
Att'ys for Defendant.

Endorsed: Filed June 11, 1896. J. J. Steadman, clerk, by Chas. J. Smith, deputy.

21 In the United States District Court, Southern District of Iowa.

UNITED STATES
vs.
WILLIAM L. LEDBETTER, Def't.

Assignment of Error.

The defendant, having filed his petition for a writ of error to the Supreme Court of the United States, makes the following assignment of errors, and submits the same to the Honorable John S. Woolson, district judge:

First. The said district court erred in overruling the defendant's motion for an arrest of judgment.

Second. The said district court erred in refusing to rule, as requested by the defendant, that the motion in arrest of judgment should be sustained.

Third. That said district court erred in refusing to rule, as requested by the defendant, that the indictment was insufficient, and that the indictment did not state facts which would constitute an offense against the laws and statutes of the United States, and in refusing an arrest of judgment, because the indictment did not allege that the defendant sold or offered for sale foreign or domes-

THROUGH POOR COPY

tic distilled spirits, wines, or malt liquors otherwise than as provided by law, or any of said liquors, or to whom said liquors were sold or offered for sale, and because the indictment did not allege that the defendant had sold or offered for sale any of said
22 liquors in quantities less than five wine gallons at the same time, and because the indictment did not allege that the defendant had not paid $25.00, which is the amount of the tax provided by the statute, and because the indictment did not allege that the offense was committed in any city or town in Appanoose county or in any place certain in any city or town in Appanoose county, and because the indictment did not allege that the offense was committed on any day prior to the finding of the indictment.

Fourth. The court erred in refusing to rule, as requested by defendant, that the indictment was insufficient and did not state facts constituting an offense under the laws of the United States, and in refusing to arrest judgment therefor, because the indictment did not allege or charge that the offense was committed on any day prior to the finding of the indictment, for that the only time alleged in the indictment when the offense was committed is the month of April, 1896, and the indictment was found by the grand jury and returned into court on April 28th, 1896.

Fifth. The court erred in refusing to arrest the judgment as requested by defendant, and in overruling said motion in arrest of judgment, and in ruling that the indictment did state facts constituting an offense against the laws and statutes of the United States, because the facts which constituted the offense are not stated in the indictment; because the circumstances of the offense are not given in the indictment; because the allegations of the indictment are only a legal conclusion, unsupported by the primary and individualizing facts which constituted the offense; because the ingredient facts of which the offense is composed are not accurately
23 and clearly alleged in the indictment; because the material facts sufficient to support a conviction are not alleged in the indictment; because no facts are stated in the indictment which would warrant the court in pronouncing judgment upon the verdict of the jury; because the indictment does not show how the offense was committed or when it was committed or where it was committed with sufficient particularity; because no sufficient facts are alleged in the indictment to inform the defendant sufficiently for him to meet the charge against him or to inform him of the facts relied upon to support a conviction, and because there are no sufficient facts stated in the indictment to identify the offense charged against the defendant so that the same could be plead in bar by said defendant after the trial as a former conviction or acquittal.

(Signed) W. F. GARRETT,
H. L. REINER,
WILLIAM C. HOWELL,
Attorneys for Defendant.

Endorsed: Filed June 11, 1896. J. J. Steadman, clerk, by Chas. J. Smith, deputy.

BLEED. T

The above assignment of errors was presented to me this 20th day of June, 1896, and allowed. As to the fourth assignment and last clause of third assignment of errors above stated, I hereby certify that such assignment and the points therein made were never presented to or urged to the court at any time during or before the trial of the case, nor in the motion in arrest or amendment thereto, nor by counsel in argument, but that such points for the first time now appear and in the above assignment.

(Signed) JNO. S. WOOLSON,
U. S. District Judge.

Endorsed: Filed Jul- 6, 1896. J. J. Steadman, clerk, by Chas. J. Smith, deputy.

24 In the United States District Court for the Southern District of Iowa, Eastern Division.

UNITED STATES
vs.
WILLIAM L. LEDBETTER, Def't.

Supersedeas Bond.

Know all men by these presents that we, William Ledbetter, as principal, and J. H. Carr, as surety, are held and firmly bound unto the United States in the penal sum of $1,000.00; for payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

In witness whereof we have hereunto signed and sealed these presents this 21st day of May, 1896.

Whereas the above-named William Ledbetter has presented an appeal to the Supreme Court of the United States to reverse the order and judgment of the said district court entered on the 7th day of May, 1896, in cause No. 4134, wherein the said court entered an order and judgment that the said William Ledbetter pay a fine of $250.00 and costs and be imprisoned in jail at Keokuk for thirty days, and that on payment of fine and costs sentence be suspended:

25 Now, therefore, the condition of this obligation is such that if the above-named William Ledbetter shall prosecute said appeal to effect and answer all damages and costs and perform all the orders of this court and the Supreme Court of the United States, and shall satisfy and fulfil the further orders and judgment of this court and the Supreme Court made in this cause, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

(Signed) WM. L. LEDBETTER. [L. S.]
J. H. CARR. [L. S.]

THROUGH POOR COPY

STATE OF IOWA, }
Appanoose County, } *ss:*

I, J. H. Carr, being duly sworn, state that I am the surety who signed the above bond; that I am worth in property not exempt from execution more than that of the sum of $2,000.00.

(Signed) J. H. CARR.

Subscribed and sworn to before me this 21 day of May, 1896.

[SEAL.] (Signed) HENRY P. POWERS,
Notary Public.

I, D. R. Guernsey, clerk of the district court of Appanoose county, hereby certify that if the above bond was presented to me for approval that I should consider the same good and would approve it.

[SEAL.] (Signed) D. R. GUERNSEY,
Clerk of the Dis'ct Court, Appanoose Co.

26 The above bond, being presented to me, is approved this 27th day of May, 1896.

(Signed) JNO. S. WOOLSON,
U. S. District Judge.

Endorsed: Filed Jul- 6, 1896. J. J. Steadman, clerk, by Chas. J. Smith, deputy.

27 *Citation on Writ of Error.*

UNITED STATES OF AMERICA, *ss:*

The President of the United States to the United States of America, Greeting:

You are hereby cited and admonished to be and appear in the Supreme Court of the United States, at Washington, D. C., on the 20 day of July, 1896, pursuant to a writ of error filed in the clerk's office of the district court of the United States for the southern district of Iowa in a cause entitled The United States, by indictment, *vs.* William L. Ledbetter, defendant, wherein said defendant is plaintiff in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against said plaintiff in error, as in said writ of error mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable John S. Woolson, judge of the district court of the United States for the southern district of Iowa, this 20th day of June, 1896.

JNO. S. WOOLSON,
United States District Judge.

Due and legal service of the above citation on writ of error upon the United States is hereby acknowledged this 25th day of June,

BLEED. TH

1896, and a true and attested copy of said citation is in hand in this southern district of Iowa.

CHAS. D. FULLEN,
U. S. Att'y for the Southern District of Iowa.

Filed Jul- 6, 1896.

J. J. STEADMAN, *Clerk*,
By CHAS. J. SMITH, *Deputy*.

Endorsed on cover: Case No. 16,334. S. Iowa D. C. U. S. Term No., 196. William L. Ledbetter, plaintiff in error, *vs.* The United States. Filed July 13th, 1896.

THROUGH POOR COPY